STATE OF WASHINGTON DEPARTMENT OF HEALTH ADJUDICATIVE SERVICE UNIT

In the Matter of:)
	-) Docket No. 06-10-C-2003WC
) ORDER GRANTING
Ар	ppellant.) MOTION TO DISMISS _)
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APPEARANCES:

Respondent,

pro se.

Department of Health Community Family Health,
Community Wellness and Prevention,
Women, Infants and Children Program (WIC Program), by
Office of the Attorney General, per
Assistant Attorney General

PRESIDING OFFICER:

Health Law Judge

This matter came before the Presiding Officer on the WIC Program's Motion to Dismiss Without Prejudice. Based upon the filings and records, the Presiding Officer issues the following:

I. PROCEDURAL FINDINGS

- 1.1 On October 10, 2006, the WIC Program issued a letter and demanded repayment of \$4,254.94 from the Appellant.
 - 1.2 The Appellant filed a Fair Hearing Request on October 30, 2006.
- 1.3 On October 31, 2006, the Adjudicative Service Unit served a Scheduling Order/Notice of Hearing on the parties. The Scheduling Order set a Fair Hearing for November 17, 2006, a prehearing conference for November 14, 2006, and a motion deadline for November 9, 2006.

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- 1.4 In a letter dated November 7, 2006, the WIC Program rescinded the October 10, 2006 letter and demand for repayment. The WIC Program's investigation is ongoing, but at this time the WIC Program is not asking the Appellant for repayment of benefits. Currently there is no longer a basis for Appellant's request for a fair hearing and the Appellant's request is moot.
- 1.5 On November 8, 2006, the WIC Program filed a Motion Dismiss Without Prejudice and attached four (4) exhibits. The Respondent did not file a response to this motion and the time period for such a response has lapsed.

II. CONCLUSIONS OF LAW

The Presiding Officer shall rule on motions. WAC 246-10-403. In this case, the Presiding Officer concludes that the Department's Motion to Dismiss should be granted. There is no longer a basis for the Appellant's request for a fair hearing and the Appellant's request is moot.

III. ORDER

Based upon the above, the Presiding Officer hereby issues the following ORDERS:

- 3.1 The WIC Program's letter and demand to Appellant for repayment in the amount of \$4,254.94 issued on October 10, 2006 is hereby RESCINDED.
- 3.2 The above-referenced appeal, Docket No. 06-10-C-2003WC, is DISMISSED without prejudice.

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ORDER GRANTING MOTION TO DISMISS

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STRICKEN.			
• .	Dated this 29day of November, 2006.		
•	/s/		
	Health Law Judge		
	Presiding Officer		
DECLARATION OF SEI I declare that today I ser	RVICE BY MAIL rved a copy of this document upon the following parties of record: AAG by mailing a copy properly addressed with postage prepaid.		
DATED AT OLYMPIA, WASHINGTON THIS DAY OF NOVEMBER, 2006.			
Adjudicative Service Un	it cc:		